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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/602,418

06/23/2000

Marek Musial

6963 US

9398

7590

01/05/2005

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EXAMINER

JUNG, MIN

ART UNIT

PAPER NUMBER

2663

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/602,418

Applicant(s)

MUSIAL, MAREK

Examiner

Min Jung

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

At page 10, lines 12-17, the description is not clear on 'what' the "times" are, and 'how' the times are defined. Do the times define certain points (instants) in time such as t1, t2, t3, etc.? Then what does it mean by "between the message types times are defined"? It is also not clear how the similarity matrix is established. The description on how the entry for the matrix is determined, at page 11, lines 1-9, does not help with understanding the invention. It is unclear how the values are obtained for any of the entries.

At pages 13-15, the step of learning the context rules for the message attributes is described. From the description, it is not clear whether the invention is in the aspect of compiling all the values and coming up with some kind of convention existing among the sequence of values. If it is, the steps of performing it is not described in clear

manner. First of all, in the example, it is not clear where, why and how the attributes of the PDU types are defined as “type a v and w”, “type b x”, and “type a y and z”, and why the first two are called “first PDU” and the third is called “second PDU type”. Second of all, it is not clear how the numerical values for v, w, x, y, and z came about. The specification at page 10 describes x and y in a(x, y) to be relating to “message attributes, i.e., data”. What does it mean? Are the values 42, 17, 18, 43, and 18 describing certain attributes of PDUs (if it is, what does it mean?), or are they data themselves, or something else? At page 14, lines 14-21, it is not clear if the analyzer is programmed to derive the features, formulate the OK criterion, and analyze the future data using the formulated OK criterion. At page 15, lines 9-18, it is not clearly describe what the message attribute t is all about; how is message attribute t related to the attributes describe relating to Fig. 11? And, what are the values on the horizontal axis of Fig. 13? What does it mean when “communication t has the value 5 four times”? What are the “quotient”, “width”, “gaps”, and “numerical intervals”? What does it mean when “it maximizes the quotient between the width of the smaller one of the two gaps immediately adjacent the numerical interval in which there are no values of the feature in question”? At page 15, lines 19-22, it is not clear what the sentence means; what is “entire training set” referring to, what are “constructed clauses”, what are “elements” and “clauses”?

All of the above questions contribute to ambiguity in defining claims in a meaningful way.

It seems that the specification is a translation from a foreign language and seems that indefiniteness may have resulted from translation process. Clarification is required (a substitute specification may be provided conforming to 37 CFR 1.125 (b) and (c)).

3. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: "times", "similarity matrix which is coincident with the length of the PDU type sequence that is coincident for and surrounds both times" (page 10, line 12 – page 11, line 9), "quotient", "width", "gaps", "numerical intervals", "entire training set", "constructed clauses", "elements", and "clauses" (page 15).

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, it is not clear what is meant by "grouping times ---- as equivalent classes"; does it mean that multiple communication is separated into different classes, different event is grouped into a same class, or something else?

In claim 2, it is not clear what is meant by "calculating a similarity value between every two times within the example communication to form a similarity matrix, the similarity values being dependant on the length of the PDU type sequence which is coincident for and surrounds both times". The ambiguity is mainly from the lack of description in the specification.

The rest of the claims are indefinite for the same type of reasons. Once the specification is clarified, claims can be redrafted to define the invention better.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Hunter et al. patent, the Kulula et al. patent, the Taylor patent, the Peled patent, the Hardin et al. patent, the Dimitrova patent, the Dagtas et al. patent, the Alur et al. patent are cited for teaching the related subject matter, but are not applied to the claims since the present invention is not understood in full from lack of clear description.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Min Jung whose telephone number is 571-272-3127. The examiner can normally be reached on Monday, Tuesday, and Thursday 8AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 703-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2663

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJ
January 3, 2005


Min Jung
Primary Examiner